

**RESOLUTION OF THE BOARD OF EDUCATION**

**OF**

**DOUGLAS COUNTY SCHOOL DISTRICT RE-1**

**Addressing Aspen View Academy's Request for Waiver from District Policy JLCC**

**WHEREAS**, pursuant to C.R.S. § 22-30.5-504, the Board of Education ("Board") of Douglas County School District RE-1 (the "District") is a local board of education with exclusive chartering authority to authorize charter schools within its geographic boundaries in accordance with the Colorado Charter Schools Act, C.R.S. §§ 22-30.5-101 to 120 (the "Act"); and

**WHEREAS**, Aspen View Academy (the "Charter School") is an authorized charter school of the District that operates in accordance with the District's policies unless such policies are waived pursuant to the charter contract between the Board and the Charter School (the "Contract"); and

**WHEREAS**, pursuant to the policy waiver provisions of the Contract, the Charter School requests a waiver from District Policy JLCC (the "Waiver Request") and approval of a replacement policy (the "Replacement Policy") as set forth in more detail in Exhibit A, attached hereto and incorporated herein; and

**WHEREAS**, District staff recommend that the Board grant the Waiver Request and approve the Replacement Policy; and

**WHEREAS**, the Board has considered the Waiver Request and Replacement Policy and the recommendation of District staff, and desires to grant the Waiver Request and approve the Replacement Policy.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the Douglas County School District RE-1 as follows:

1. That the Waiver Request is hereby granted and the Replacement Policy is hereby approved.

2. That further revisions to the Replacement Policy shall be subject to Board approval in accordance with the policy waiver provisions of the Contract.

**APPROVED** this \_\_\_\_ day of December, 2021, by a vote of \_\_\_\_.

AYES:

\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_  
\_\_\_\_\_

**DOUGLAS COUNTY SCHOOL DISTRICT RE-1**

By: Michael Peterson

\_\_\_\_\_  
President, Board of Education

Attest:

By: Becky Myers

\_\_\_\_\_  
Secretary, Board of Education

**EXHIBIT A**  
**Waiver Request and Replacement Plan**



September 23, 2021

Board of Education  
Douglas County School District  
620 Wilcox Street  
Castle Rock, CO 80104

Dear Board of Education Members,

Aspen View Academy hereby requests an emergency waiver of Douglas County School District Board Policy JLCC Communicable Disease and Illness per section 5.5(b)(iii) of our charter agreement:

“The school may request additional waivers...Upon receipt of such request, the District shall have 30 calendar days to review the request and, thereafter, shall present the matter before the Board at its next regular meeting. The Board shall, unless otherwise agreed by the parties, have 30 calendar days to consider the matter prior to rendering a decision at a regular meeting...Waiver of District policies shall not be unreasonably withheld.”

Notwithstanding the cited terms above, Aspen View Academy reasonably asks for an emergency waiver based on the recent actions of the Douglas County School District. Policy JLCC was in place last school year, when much less was known about COVID and positivity and hospitalization rates were worse than what exists today. Appropriately, DCSD did not seek to impose its mitigation efforts through Policy JLCC, or the terms of any other policy, on Aspen View Academy or other charter schools then. As of a few weeks ago, DCSD unilaterally changed its approach.

Given the change in approach to imposing upon charter schools as of a few weeks ago, Aspen View Academy hopes and expects that the Board of Education will grant an emergency waiver and/or will forego any enforcement action until this replacement policy is approved.

Beyond COVID mitigation, Aspen View Academy’s replacement policy reflects a commitment to adhere to all applicable local, state, and federal mandates from appropriate public health departments along with a commitment to act consistently with information and guidelines from those entities. Aspen View Academy further commits to share and solicit mitigation strategies and data with the Douglas County School District and Douglas County charter schools to help ensure the health and welfare of all of our students.

Aspen View Academy further makes this request in an effort to align our charter school with our new local health department, Douglas County Health Department, rather than Tri-County Health as currently stated in JLCC.

Thank you for your consideration.

Troy Schroeder  
President  
Aspen View Academy Board of Directors

Bob Barber  
Principal  
Aspen View Academy





## **Communicable Disease and Long-Term Illness Policy**

### **Communicable/Infectious Diseases**

By law, the Douglas County School District and its charter schools, including Aspen View Academy, are required to make educational services available to all children who are residents of the District. Aspen View Academy recognizes, however, that communicable/infectious diseases may impact a student's ability to attend school. Parents are requested to notify the school if their child contracts a communicable disease, infectious condition, or illness and to keep any child temporarily affected thereby out of school until the condition is no longer communicable or until he or she has fully recovered.

Aspen View Academy will manage common communicable diseases consistent with any applicable local, state, or federal mandates, and appropriate state and local health department information and guidelines. A student who exhibits symptoms of a readily transmissible communicable disease may be temporarily excluded from school attendance.

Students who complain of illness at school may be referred to the school nurse and may be sent home as soon as the parent/guardian or person designated on the student's emergency medical authorization form has been notified.

When information is received by a staff member that a student is afflicted with a serious, readily transmissible disease, the staff member will promptly notify the school nurse or principal to determine appropriate measures to protect student and staff health and safety.

Aspen View Academy reserves the right to require a health care provider's statement authorizing the student's return to school.

In the case of a broader communicable disease (e.g., COVID 19), Aspen View Academy will seek to work with the Douglas County School District administration and that of other charter schools to ensure the health and safety of all District children. This commitment includes sharing data and information related to its mitigation strategies and soliciting the same.

### **Long-Term Illnesses**

A child suffering from a long-term physical illness by which he or she is unable to receive reasonable benefit from the ordinary educational program may be determined to be a child with disabilities under state and federal law. Any child determined to have a long-term illness, disease, or infectious condition that is known or reasonably suspected to be communicable, shall be evaluated, staffed, and placed in an appropriate educational program in accordance with applicable law. When appropriate, the Colorado Department of Public Health and Environment may be requested to become involved. Temporary actions may be taken by Aspen View Academy to protect health, safety, and welfare of child or others. Neither this policy nor the placement of a child in any particular program shall preclude the Aspen View Academy administration from taking any temporary actions, including removal from the classroom, as deemed necessary to protect the health, safety, and welfare of the child or others.